



RAMZY P. LADAH, ESQ.

Nevada Bar No. 11405

LADAH LAW FIRM

517 South Third Street

Las Vegas, NV 89101

T 702.252.0055

F 702.248.0055

litigation@ladahlaw.com

Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GILBERTO QUIROZ,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE;
DOES I through XX, inclusive and ROE
BUSINESS ENTITIES I through XX,
inclusive,

Defendant.

Case No: 2:24-cv-00706-RFB-MDC

**Stipulation for Extension of Time for
Plaintiffs to File an Amended Complaint and
for Federal Defendants to File a Response**

(First Request)

Plaintiff Gilberto Quiroz and Defendant United States of America by and through their respective counsel of record, discussed the contents of the United States' motion to dismiss, pending before this Court. ECF No. 9. Instead of engaging in further motion practice regarding the motion to dismiss, the parties hereby stipulate and agree to allow more time for Plaintiff to file his amended complaint in which 1) he will substitute the United States of America as a defendant and dismiss with prejudice the United States Postal Service, 2) he will dismiss the following causes of actions (first cause of action – negligence per se), (second cause of action – respondeat superior/vicarious liability) and (third cause of action – negligent entrustment/joint & several liability/agency). The parties also stipulated to the dismissal of the Plaintiff's prayer for attorney's fees and demand for jury trial. Each of

these claims and prayers are impermissible as a matter of FTCA law. This is the first request for an extension of time.

Specifically, the parties stipulate that Plaintiff has until **September 23, 2024** to file the amended complaint and the United States has until **November 7, 2024** to file a responsive pleading.

The reason why Plaintiff did not respond to the United States' motion to dismiss by the September 6, 2024, deadline set by this court was due to excusable neglect. Plaintiff's counsel was in trial and suffered from staff shortages which resulted in calendaring issues during that time. This interfered with the Plaintiff's preparation of a timely response to the motion to dismiss. Based on the excusable neglect of counsel, there is good cause to allow Plaintiff to file an amended complaint and to cure the issues raised by the United States in its motion to dismiss. This stipulated request is filed in good faith and not for the purpose of undue delay.

Respectfully submitted this 11th day of September 2024.

LADAH LAW FIRM

**JASON M. FRIERSON
UNITED STATES ATTORNEY**

/s/ Anthony L. Ashby

ANTHONY L. ASHBY, ESQ.
Attorneys for Plaintiff

/s/ Virginia T. Tomova

VIRGINIA T. TOMOVA, ESQ.
Assistant United States Attorney

IT IS SO ORDERED:

DATED: September 12, 2024.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

